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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,512	06/30/2000	Reynold V. D'Sa	2207/P6786	9566

7590 05/03/2005

Kenyon & Kenyon
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San Jose, CA 95110

EXAMINER

MEONSKE, TONIA L

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,512

Applicant(s)

D'SA ET AL.

Examiner

Tonia L. Meonske

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle et al, U.S. Patent Number 5,956,495 (hereinafter "Kahle") in view of McCrocklin et al, U.S. Patent Number 4,761,733 (hereinafter "McCrocklin").
3. Claims 1-6 and 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle in view of McCrocklin in view of Shiell U.S. Patent 5,864,697 (hereinafter "Shiell").
4. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on November 5, 2004.

Response to Arguments

5. On pages 10-12, Applicant argues with respect to claims 7-13 in essence:

"Applicants respectfully submit that neither Kahle, McCrocklin, nor any combination thereof disclose predicting or determining whether a first micro-op is a bogus branch instruction, as recited in claim 7."

However, Kahle has taught *predicting whether a first micro-op is a bogus branch instruction*. A bogus branch instruction in claims 7-13 is interpreted to be a branch instruction that is not taken. Merriam-Webster's online dictionary defines "bogus" as "not genuine" and "genuine" as "actual or true." Since "Genuine" is interpreted to be "actual", "not genuine" is interpreted to be "not actual." Therefore something that is

Art Unit: 2183

“bogus” is interpreted to be something that is “not actual.” A branch instruction that is not taken is not an actual branch instruction to a non-sequential address, i.e. the branch instruction is not actually branching. Therefore a not taken branch instruction is a bogus, or not an actual, branch instruction. So Kahle has in fact taught *predicting whether a first micro-op is a bogus branch instruction* (Kahle predicts whether a first micro-op is taken or not taken. Column 9, lines 56-65 and column 11, lines 1-35). Therefore this argument is moot.

6. On page 13, Applicant argues in essence:

“Applicant’s respectfully submit that neither Kahle, McCroclin, Shiell, nor any combination thereof disclose removing entries from a branch prediction logic storage buffer that are likely to later produce bogus branches, as recited in claim 14.”

However, claim 14 does not specifically claim *“removing entries from a branch prediction logic storage buffer that are likely to later produce bogus branches”*.

Therefore claim 14 is not required to meet this argued limitation and this argument is moot.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2183

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

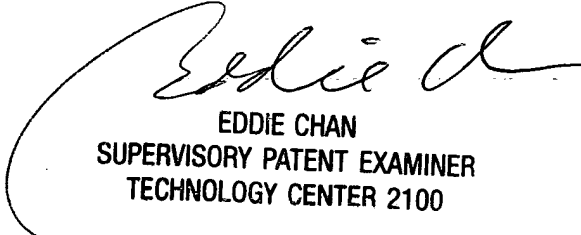
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L. Meonske whose telephone number is (571) 272-4170.

The examiner can normally be reached on Monday-Friday, 8-4:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P. Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm


EDDIE CHAN
SUPERVISORY PATENT EXAMINER
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